

OWRD Water Resource Commission Meeting February 23, 2023



Item D

2022 STATEWIDE UPDATE ON CANNABIS INDUSTRY ENFORCEMENT

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Agenda

- **History**
- **Legislation**
- **2022 Regulatory Activity**
- **Interagency Collaboration**
- **Evolution of Field Work**
- **Looking Ahead**



History and Legislation

- **2018** US Farm Bill passed, paving the way for legal hemp production.
- **2019** Significant increase in complaints on ODA Hemp Program sites.
 - ODA funded Special Assistant Watermaster Position at OWRD for 2020 and 2021.
- **2020** Hemp Water Use Audit in SW region of the state investigating water use at ODA registered hemp sites.



History and Legislation

SB 5561

- 5 Million in funding for OWRD.
 - Cannabis Assistant Watermasters, Enforcement Section.

HB 4061

- Water use on cannabis sites
 - Water haulers and suppliers
 - Documentation & penalties.

2022

- New AWM's hired and water use audits expanded statewide.



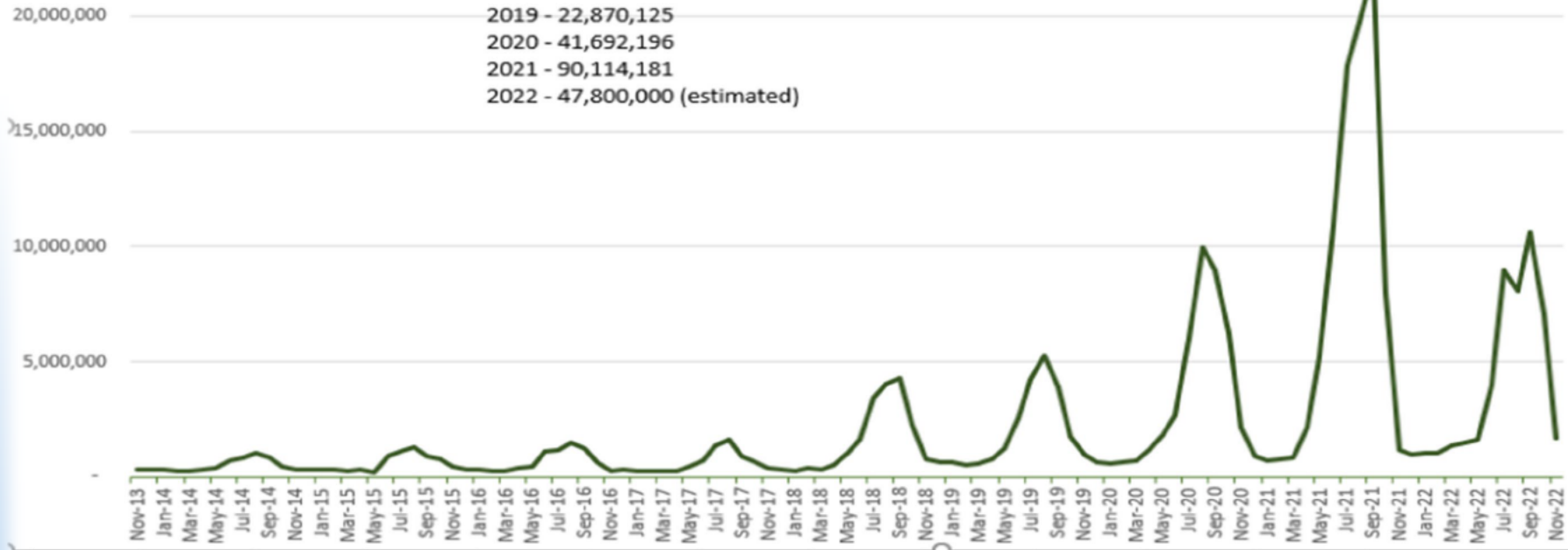


History and Legislation

White City Water Station Volume (gallons) by Month
Nov 2013 - Present

Calendar Year Total Gallons

2014	- 6,014,363
2015	- 7,001,884
2016	- 7,658,636
2017	- 7,301,499
2018	- 19,623,253
2019	- 22,870,125
2020	- 41,692,196
2021	- 90,114,181
2022	- 47,800,000 (estimated)



Regulatory Activities

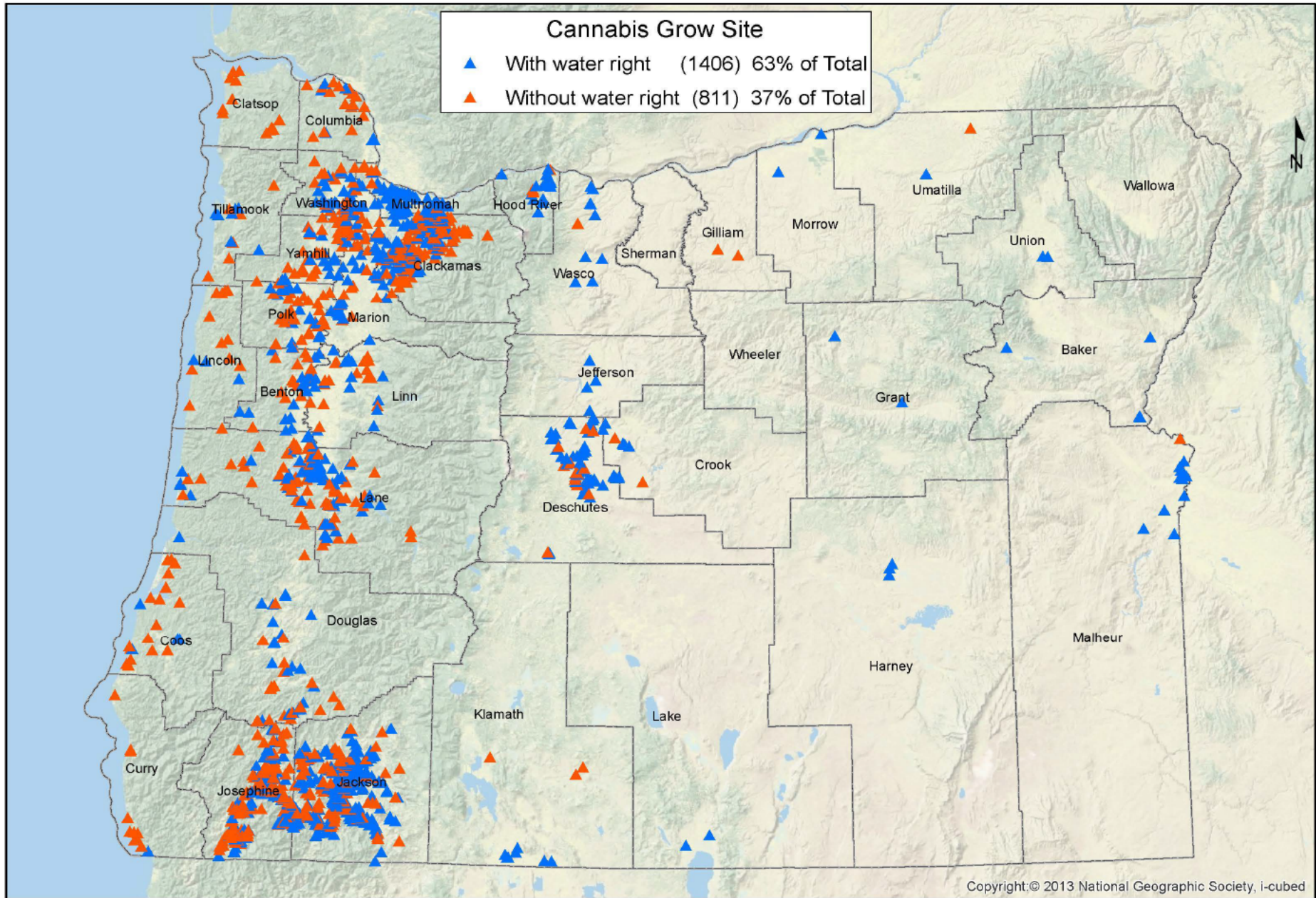


Desktop Investigation Results

- Over **2,218** desktop investigations were performed by SB 5561 staff in 2022. This included all licensed OLCC sites, all ODA registered sites and all illicit sites made known to the team*
- These investigations revealed 811 or **37%** of sites had no water rights.

Cannabis Type	Percent Without Water Rights
Licensed OLCC	35%
Registered ODA	29%
Illicit Cannabis	75%
All Cannabis	37%

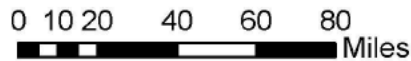
Water Right Research Results on Cannabis Grow Sites 2022



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Total number of cannabis grow sites researched 2218



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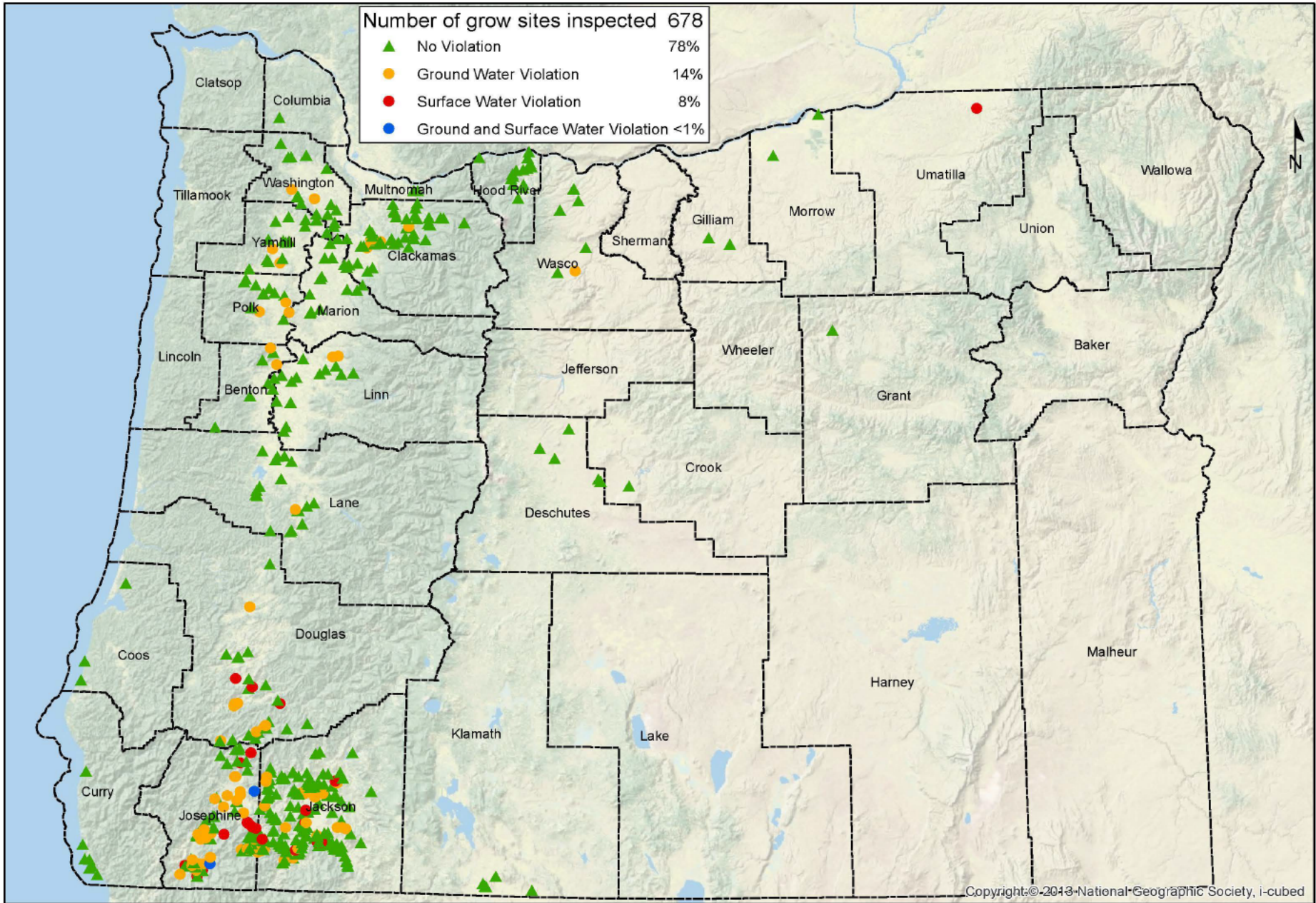


2022 On-site Investigation Results*

*Data available as of October 31, 2022

Cannabis Type	On-site Investigations	Violations	Violations as Percent of Investigations	Formal Enforcement Notices Given	Sites Claiming to Haul in Water
OLCC	424	81	19%	31	19%
ODA	125	10	8%	3	17%
Illicit	128	59	46%	47	3%
Total	677	150	22%	81	16%

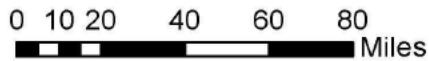
Water Use Inspection Results for Cannabis Grow Sites 2022



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Of the 678 site visit inspections, 528 had no violations, 95 had ground water violations, 53 had surface water violations, and 2 had both.



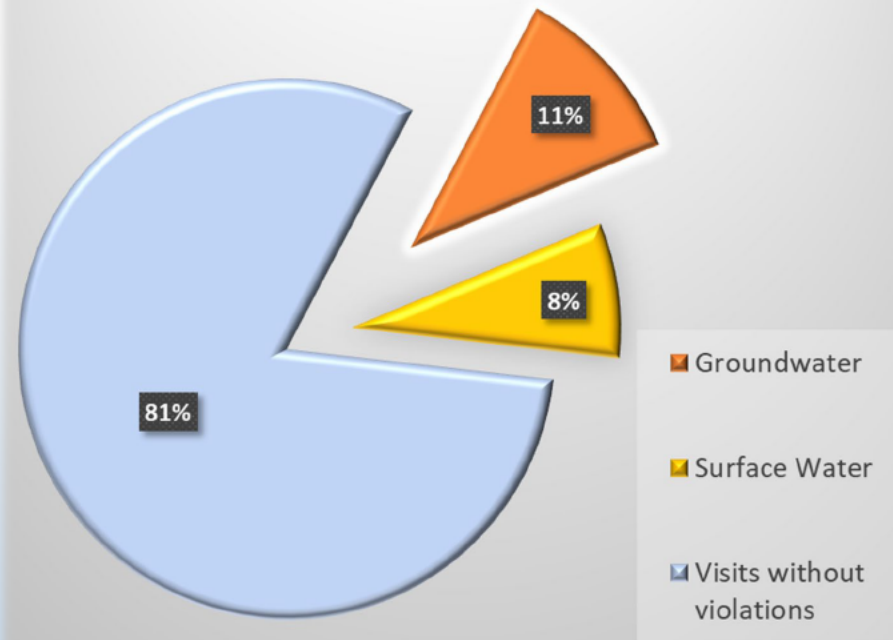
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OLCC On-site Investigations

- **25%** (N=1704) of known sites were investigated in person by staff.
- **19%** (N=424) of on-site investigations found water law violations.
- Formal enforcement notices were issued to **38%** (N=81) of those sites with violations

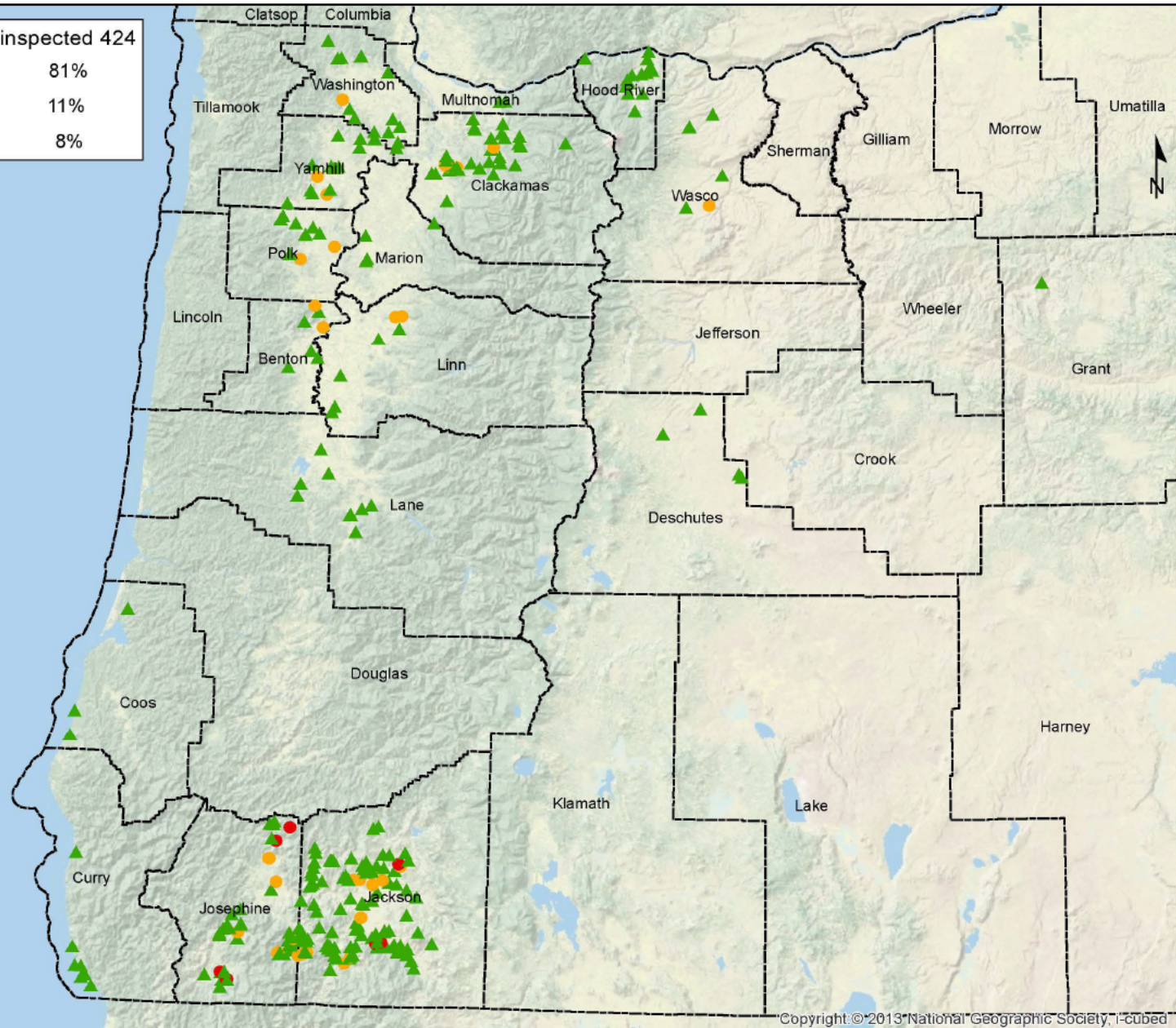
On-site Investigation Results for OLCC Cannabis



Water Use Inspection Results for OLCC Cannabis Grow Sites 2022

Number of OLCC grow sites inspected 424

- ▲ No Violation 81%
- Ground Water Violation 11%
- Surface Water Violation 8%



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Of the 424 OLCC site visits, 343 had no violations, 48 had ground water violations, and 33 had surface water violations.

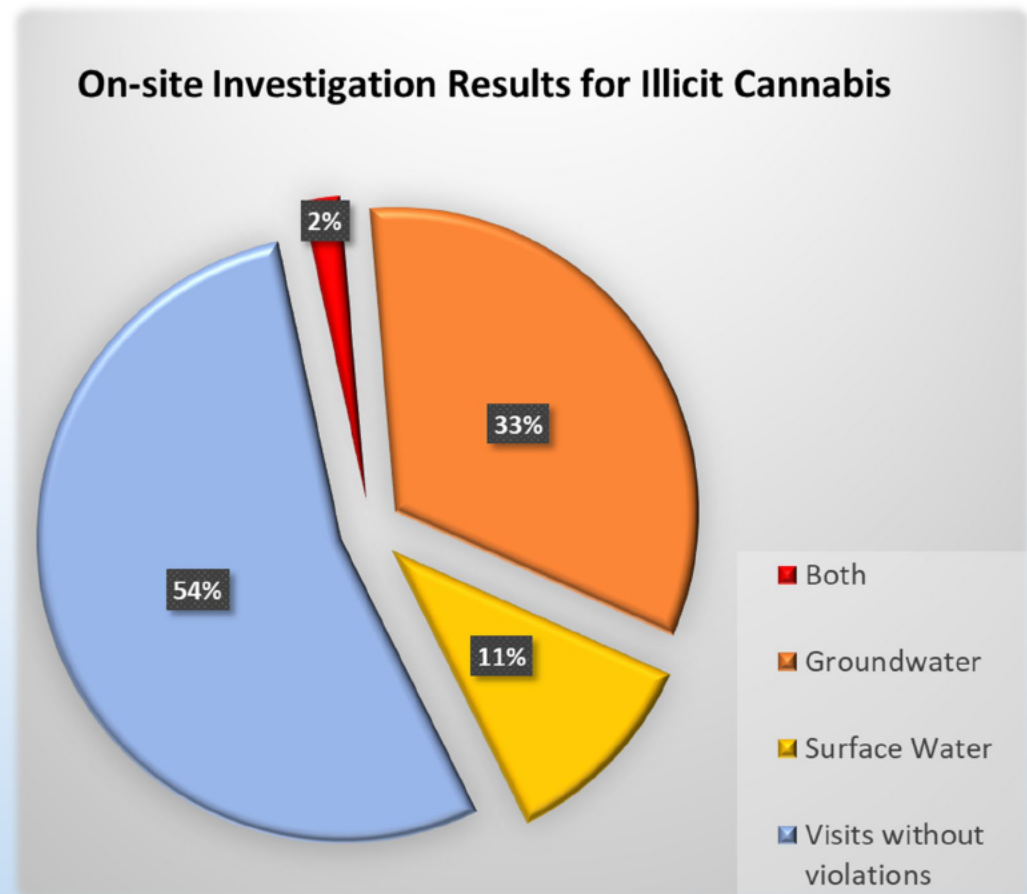


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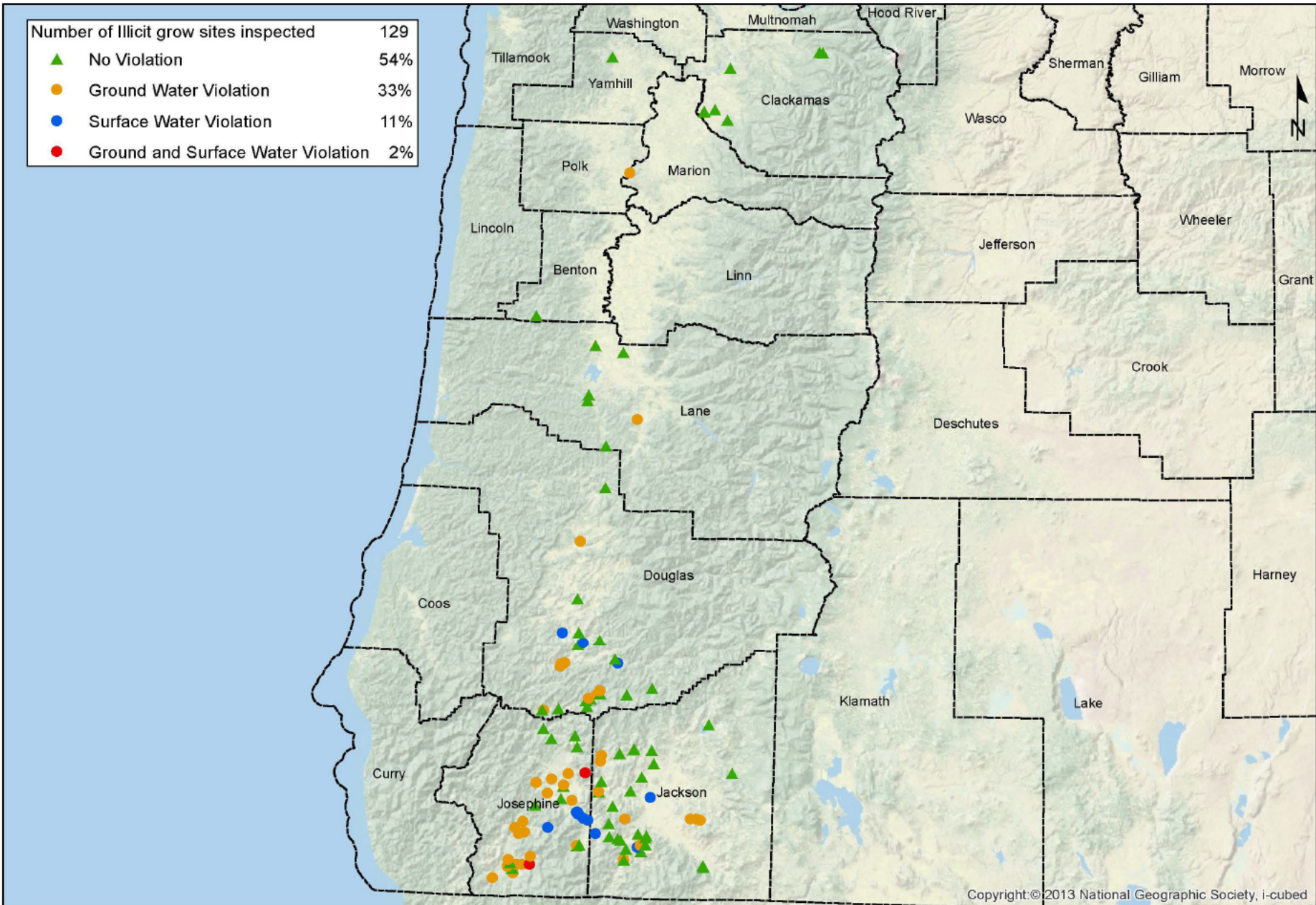
Illicit Cannabis On-site Investigations

- **83%** (N=155) of illicit sites made known to OWRD in 2022 were investigated in person by staff.
- **46%** (N=128) of on-site investigations found water law violations.
- To achieve compliance formal enforcement notices were issued to **80%** (N=59) of sites found in violation.



Water Use Inspection Results for Illicit Cannabis Grow Sites 2022

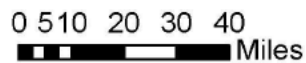
Number of Illicit grow sites inspected	129
▲ No Violation	54%
● Ground Water Violation	33%
● Surface Water Violation	11%
● Ground and Surface Water Violation	2%



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Of the 129 illicit site visits, 70 had no violations, 43 had ground water violations, 14 had surface water violations, and 2 had both.



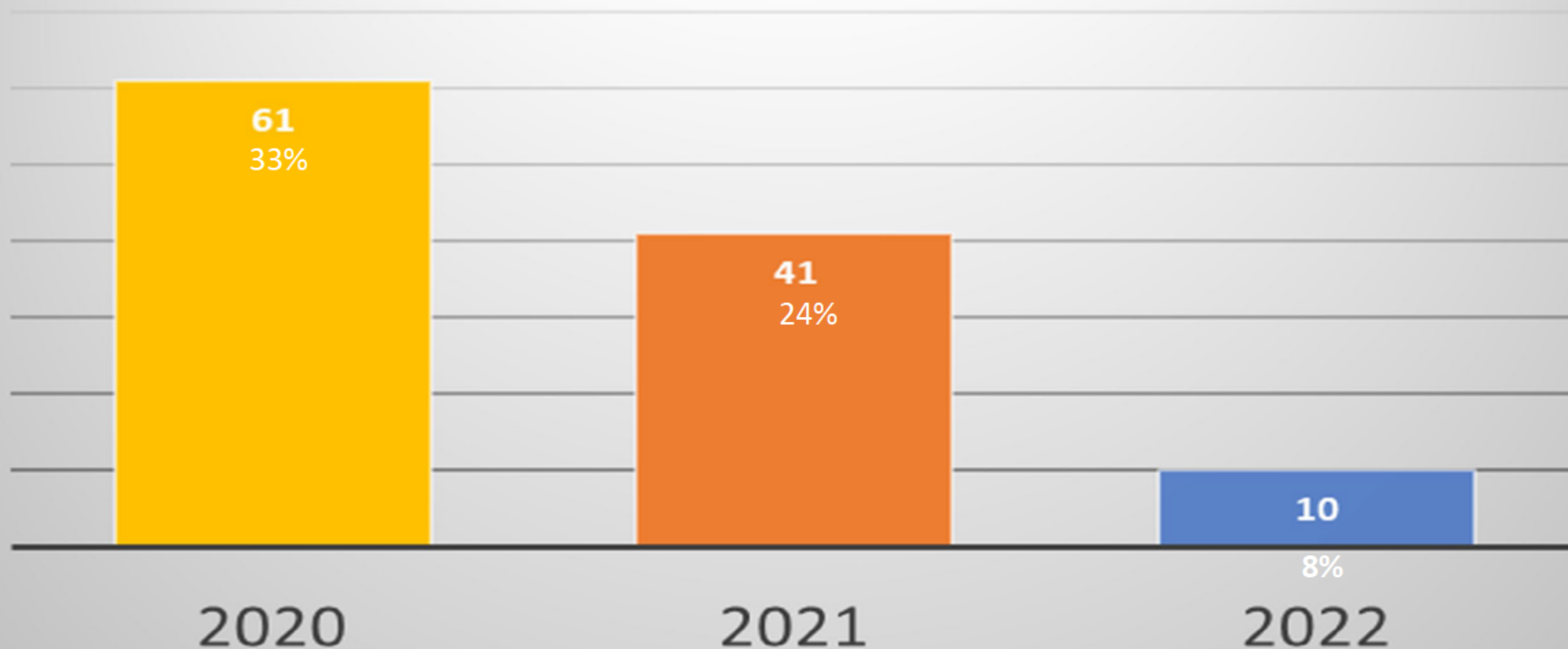
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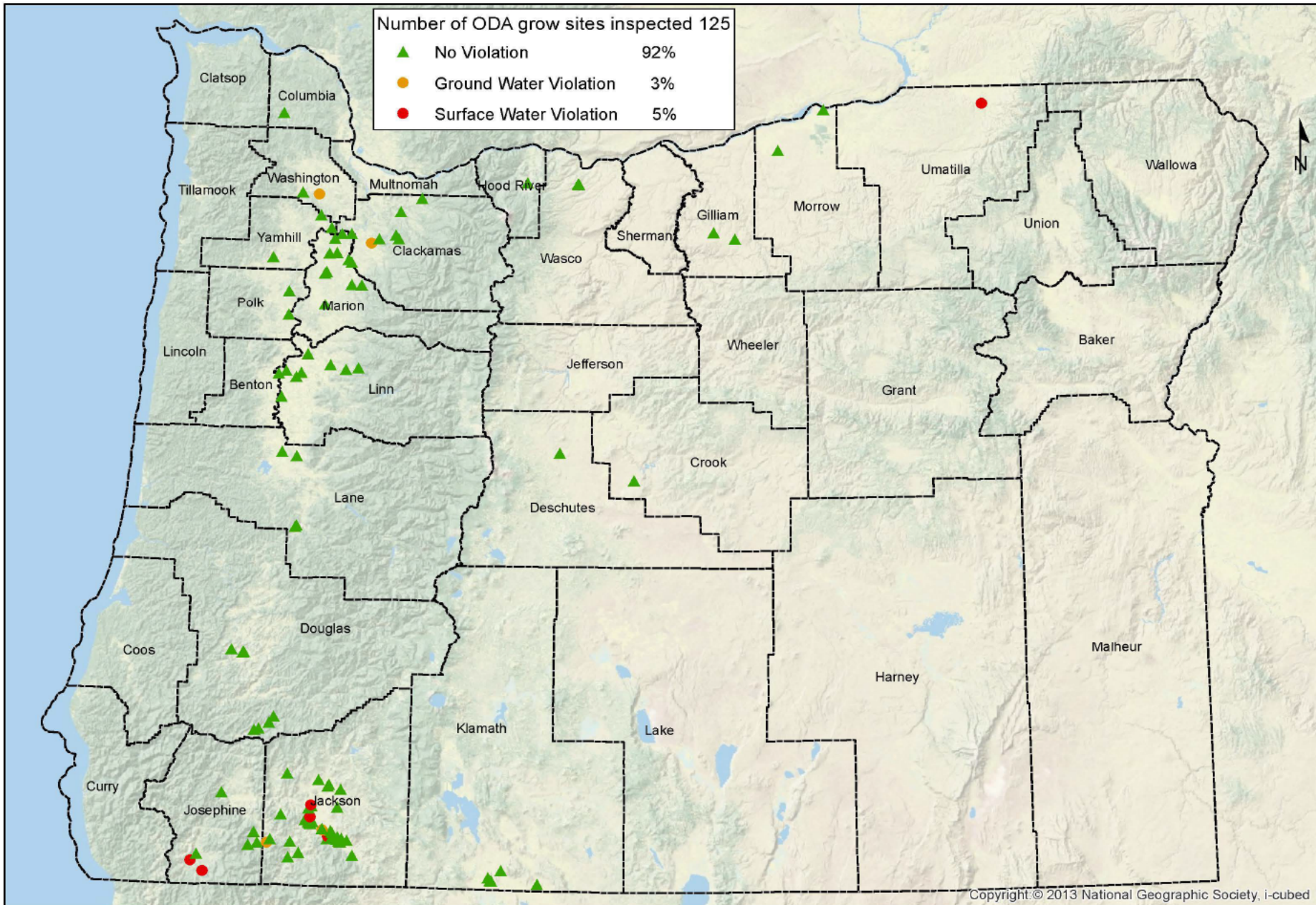
ODA Hemp On-site Findings

In 2022, 125 ODA Registered Sites were investigated in person by OWRD staff, 10 had violations making up 8% of registrants.

Violations on ODA Registered Sites



Water Use Inspection Results for ODA Cannabis Grow Sites 2022



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Of the 125 ODA site visits, 115 had no violations, 4 had ground water violations, and 6 had surface water violations.



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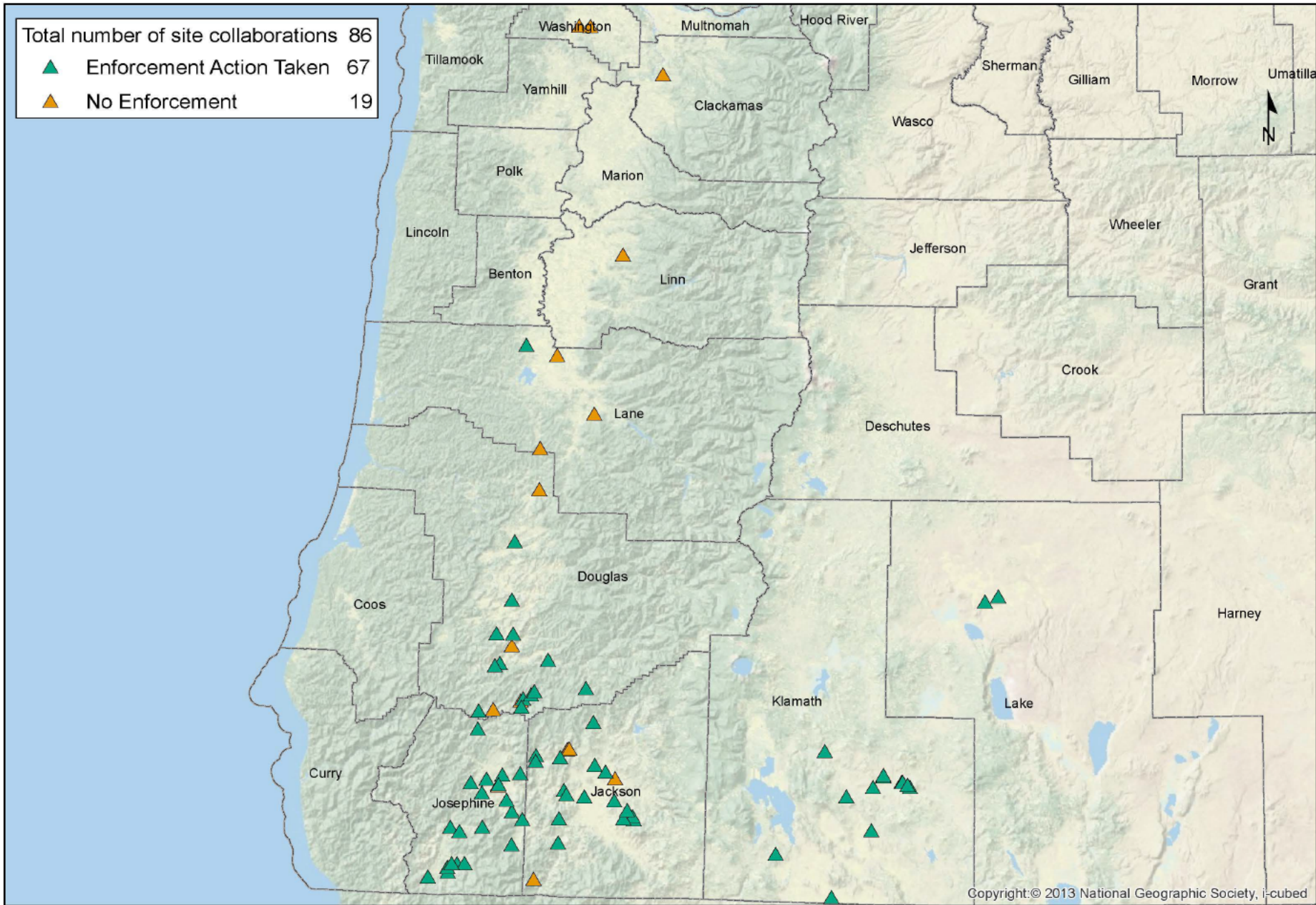
Inter-Agency Collaboration

- ✓ Sister Agencies – DSL, DEQ, ODA, OLCC, OHA, ODFW and more.
- ✓ County Code Enforcement – Plan/Site Review and collaborative work on site visits.
- ✓ Law Enforcement – County and State Drug Teams.

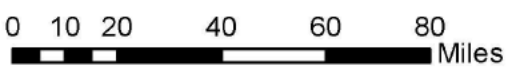


Law Enforcement Assistance on Cannabis Sites 2022

Total number of site collaborations	86
▲ Enforcement Action Taken	67
▲ No Enforcement	19



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Evolution of Field Work

- Boom in small farm operations.
 - Types of complaints and complex issues.
- Partnership with county code and law enforcement.
- Absentee landowner and lease operations.
 - Responsible party identification
- Access challenges.
- Field safety.
- Volume and type of work.



Looking Ahead

- Continued collaboration with Code and Law Enforcement.
- OWRD Enforcement Section.
- Expand collaboration and Info sharing with natural resource partner agencies.
- Improve data collection and analytics.
- Interagency trainings.



OREGON



WATER RESOURCES
DEPARTMENT

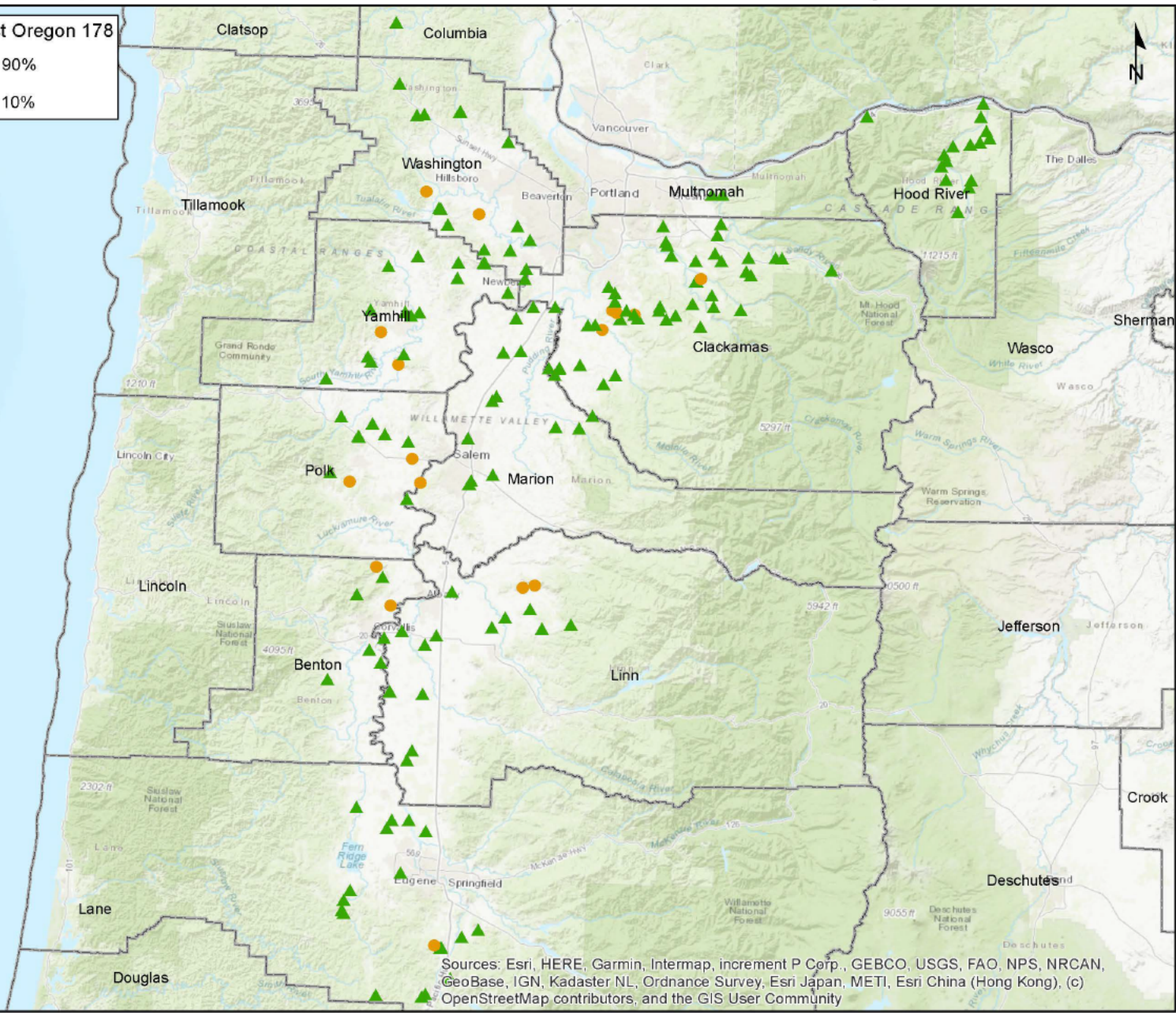
-Questions and Discussion-

-Additional Maps After this slide-

Water Use Inspection Results for Cannabis Grow Sites in Northwest Oregon 2022

Number of site visits in Northwest Oregon 178

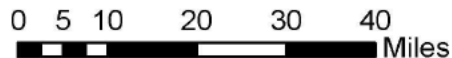
- ▲ No Violation 90%
- Ground Water Violation 10%



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



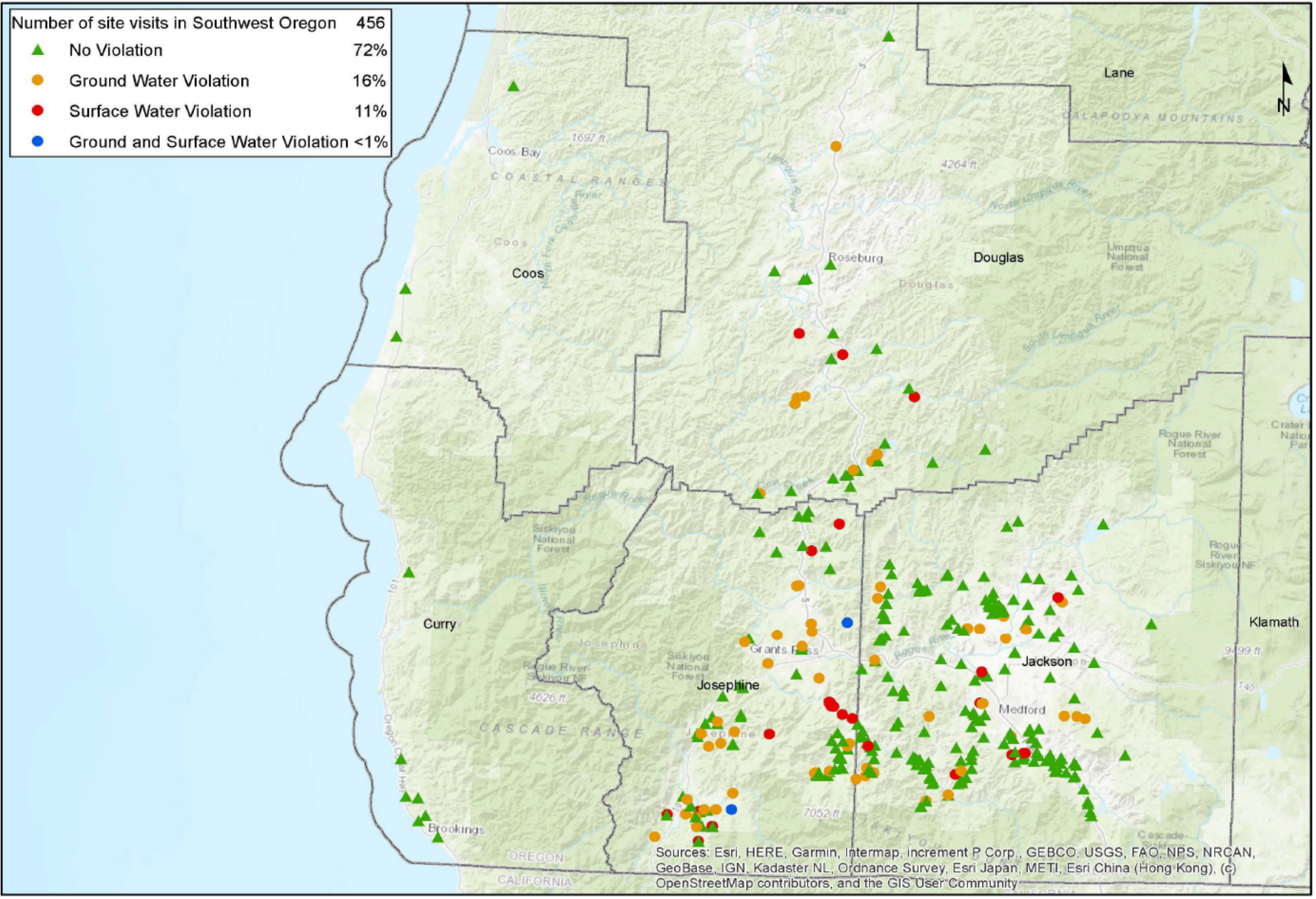
Of the 178 site visits in Northwest Oregon, 160 had no violations and 18 had ground water violations.



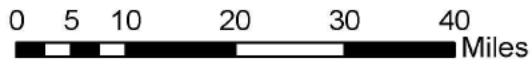
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Water Use Inspection Results for Cannabis Grow Sites in Southwest Oregon 2022



Of the 456 site visits in Southwest Oregon, 328 had no violations, 74 had ground water violations, 52 had surface water violations and 2 had both.



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On-site Investigation Results Cont.

Staff performed **677** on-site investigations of cannabis showing **22%** (N=677) of grow sites were found in violation of Oregon water law.

Of those found in violation **54%** (N=150) received formal violation notices to achieve compliance

